

REMARKS

In the Office Action of July 15, 2005, the Examiner maintained his rejection of the remaining claims, Claims 4 - 6, under 35 U.S.C. § 103. Though believed patentable in their previous form, Applicant's amendments are believed to clarify the distinction between Applicant's invention and the prior art. No new matter has been added. In particular, Claim 4 has been amended to clarify what is meant by the terms "clean water" and "waste water". Clean water has been defined as having a salt content too high for potable use but a salt content lower than the contaminated water identified in the first element of the claim. Meanwhile, waste water has been defined as having about 0.15% or more by weight of salt. Support for these amendments can be found throughout the Specification, and in detail on page 9, lines 9 - 21 and page 17, line 13 - page 18, line 4.

Reexamination, reconsideration and allowance of Claims 4 - 6 is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103

In the Office Action of July 15, 2005, the Examiner contended that Claims 4 - 6 were unpatentable over *McManus* in view of *McGrew*. The Examiner correctly alleged that *McManus* describes a method of using agricultural waste water in a cooling tower. Moreover, the Examiner correctly admits that *McManus* does not disclose using clean water within a cooling tower if its sodium content is too high for potable use as claimed by Applicant. The Examiner attempts to fill in this void by arguing that *McGrew* discloses separating waste water into two effluents including a clean water effluent suitable for potable water and the other for non-potable uses.

Plainly, the *McGrew* reference and *McManus* reference do not suggest testing the clean water or using the clean water within a cooling tower. Notwithstanding, the Examiner inappropriately argues, without any type of substantiation, that it would be obvious to modify the method of *McManus* to both test the clean water effluent and to use the clean water effluent within a cooling tower if the sodium content were too high for potable use. The Examiner further fills in holes in the § 103 rejection by arguing that testing is implied to ensure that water is indeed pure. The Examiner further makes the unsubstantiated argument that if the clean water which is suitable for potable use of *McManus* were somehow non suitable for potable use then it would be considered impure water which would be used in a cooling tower.

McManus

McManus describes a one year pilot study in which agricultural waste waters were used in a cooling tower.

McGrew

McGrew describes a dual distribution system in which one part delivers pure and clean water for domestic taps and a second part which delivers impure for other domestic uses such as irrigation, waste disposal and the like. More simply, *McGrew* describes a system for processing waste waters producing a first clean water effluent for potable use and a second waste water effluent for other uses.

This reference does not suggest testing the clean water effluent. This reference does not suggest producing a clean water effluent having a sodium content too high for drinking. This reference does not suggest using purified water within a cooling tower.

Applicant's Claimed Invention

Applicant's broadest claim, Claim 4 includes four elements. Namely,

- 1) Collecting water contaminated with salts...;
- 2) Processing the contaminated water to produce a first effluent of clean water having a salt content too high for potable use and a second effluent of waster water having 0.5% or more by weight of salts...;
- 3) Analyzing the clean water to determine its sodium content...; and
- 4) Using the clean water within a cooling tower if it has been determined that the clean water's sodium content is too high for potable use.

Notably, Applicant has amended this claim to clarify that the clean water has a salt content too high for potable use, a limitation plainly not suggested within *McGrew*.

ARGUMENT

Even if there were suggestions to combine *McManus* with *McGrew*, the combination would not suggest Applicant's claimed invention. Specifically, there is no suggestion to produce a first effluent of clean water having a salt content too high for potable use. *McGrew* plainly states that the clean water effluent is "essentially pure" and "fit for internal use, such as through residential and other domestic taps or outlets". Of course, the reference does not suggest testing the water because it is described as pure and clean. Notwithstanding, even if it were tested, there is no suggestion that the pure and clean water described in *McGrew* would have a sodium content too high for potable use particularl since it is described for internal use from taps. Moreover, even if there were suggestions for testing the water and even if there were suggestions that the pure and clean water would have a high sodium content, there is no suggestion for using the clean water for use in a cooling tower. Instead, since the water is described as intended "for internal use" within domestic taps and outlets, the only suggestion would be for the clean water to undergo further purification until potable.

Thus, the cited references do not suggest, along or even in combination, Applicant's claimed invention. Accordingly, Claim 4 and its dependent Claims 5 and 6 are believed allowable.

CONCLUSION

The claims in this case are believed to be in condition for allowance and notice thereof is respectfully solicited. If there are any remaining issues that need to be resolved, it is respectfully requested that a telephone call be placed to the undersigned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "David G. Duckworth". The signature is fluid and cursive, with a large initial "D" and a stylized "G".

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